

**MINUTES OF THE MEETING OF THE COUNCIL
HELD ON WEDNESDAY, 9 OCTOBER 2013**

COUNCILLORS

PRESENT

Chaudhury Anwar MBE (Mayor), Ingrid Cranfield (Deputy Mayor), Kate Anolue, Alan Barker, Caitriona Bearryman, Chris Bond, Yasemin Brett, Jayne Buckland, Alev Cazimoglu, Lee Chamberlain, Bambos Charalambous, Yusuf Cicek, Christopher Cole, Andreas Constantinides, Christopher Deacon, Christiana During, Marcus East, Patricia Ekechi, Achilleas Georgiou, Del Goddard, Christine Hamilton, Ahmet Hasan, Elaine Hayward, Robert Hayward, Denise Headley, Ertan Hurer, Chris Joannides, Eric Jukes, Jon Kaye, Nneka Keazor, Joanne Laban, Henry Lamprecht, Michael Lavender, Dino Lemonides, Derek Levy, Donald McGowan, Chris Murphy, Terence Neville OBE JP, Ayfer Orhan, Ahmet Oykenner, Anne-Marie Pearce, Daniel Pearce, Martin Prescott, Geoffrey Robinson, Michael Rye OBE, George Savva MBE, Rohini Simbodyal, Toby Simon, Alan Sitkin, Edward Smith, Andrew Stafford, Doug Taylor, Glynis Vince, Tom Waterhouse and Ann Zinkin

ABSENT

Ali Bakir, Dogan Delman, Jonas Hall, Tahsin Ibrahim, Simon Maynard, Paul McCannah, Ozzie Uzoanya and Lionel Zetter

53

ELECTION (IF REQUIRED) OF THE CHAIRMAN/DEPUTY CHAIRMAN OF THE MEETING

The election of a Chair/Deputy Chair of the meeting was not required.

54

MAYOR'S CHAPLAIN TO GIVE A BLESSING

Mohammad Tariq Sediq, from the Palmers Green Mosque and Muslim Community and Education Centre, gave the blessing.

55

MAYOR'S ANNOUNCEMENTS (IF ANY) IN CONNECTION WITH THE ORDINARY COUNCIL BUSINESS

The Mayor thanked Mohammad Tariq Sediq for offering the blessing and presented the following awards:

a. National Stop Loan Shark Award

The Mayor was delighted to be able to congratulate the Trading Standards Team, Community Safety and Environment Division, for winning both the regional and national Stop Loan Shark Awards.

The awards had been granted in recognition of the team's work in raising awareness of money laundering and helping and supporting the people affected. Trading Standards had worked with key partners including the Police, Citizens Advice Bureau, housing providers and the Department for Work and Pensions, providing over 30 advocate training sessions, to ensure that residents can seek help from a wide range of local organisations.

Sue McDaid, Head of Regulatory Services, and representatives from her team were presented with the award and congratulated by all members of the Council.

b. Pan London POP (Problem Orientated Policing) Award

The Mayor congratulated the Community Safety and Environment Division, working jointly with the Police and other partners, for winning the London Problem Orientated Policing Award, for their innovative work which had seen youth robbery in Enfield falling to a record low – dropping by 59.2% between 2009 and 2013.

The initiative involved: teaching children, moving to secondary school, crime awareness, an anonymous on line reporting scheme, mobile CCTV cameras, providing diversionary activities for young people, truancy patrols and substance misuse programmes to rehabilitate offenders. Anti-Social Behaviour Orders were also issued to known offenders.

The Mayor presented the award to Iain Agar, Community Safety Analyst, Superintendent Louis Smith and representatives from the division and they were congratulated by the whole Council.

c. Institute of Rating, Revenues and Valuations Performance Awards 2013, Excellence in Innovation Gold and Bronze Awards

The Mayor was also pleased to announce that the Excellence in Innovation Gold Award had been awarded to the Council's cap Team for the multi-agency work carried out in implementing the recent welfare reform changes, with particular focus on the welfare cap and social housing under-accommodation restrictions.

Three Job Centre Plus officers were now based in the CAP Team. Officers across the Council who provide welfare/benefit advice were identified and they were able to proactively target those most likely to be affected by the Benefit Cap by more than £100 per week, so that they could offer help and support and help mitigate the impact of the reforms on this group of people.

In addition the Excellence in Innovation Bronze Award had been won by the Council Tax Team working in partnership with Experian to pilot Experian's New Debt Prioritisation Service, targeting high value council tax arrears cases.

The pilot focussed on 2,500 cases. A small taskforce worked through each case and selected the most appropriate enforcement action. Overall this resulted in a reduction in Council Tax arrears of over £1.5million. As well as an increase in charging orders of over £1.1million, resulting in savings of £450,000 in bad debt provision. The Government Annual Return of Council Taxes for 2012/13 placed Enfield as fourth highest in England and top in London for arrears collection.

Sally Saunders, Debbie Jennings, Georgina Andreou and Geoff Waterton from the Revenues and Benefits Division were presented with the awards and congratulated by the whole Council.

56 MINUTES

AGREED that the minutes of the Council meeting held on Wednesday 17 July 2013 be confirmed and signed as a correct record.

57 APOLOGIES

Apologies for absence were received from Councillors Ali Bakir, Dogan Delman, Jonas Hall, Tahsin Ibrahim, Simon Maynard, Paul McCannah, Ozzie Uzoanya and Lionel Zetter.

Apologies for lateness were received from Councillors Henry Lamprecht, Martin Prescott and Rohini Simbodyal.

58 DECLARATION OF INTERESTS

John Austin, Assistant Director Corporate Governance, advised that any councillors who lived within a Controlled Parking Zone (CPZ) would need to consider whether they had an interest in relation to Motion 11.1 on the agenda (Resident Permit Parking Charges). It was felt any interest would only qualify as an "other pecuniary interest" and members would therefore be able to remain in the meeting and participate in the debate and any vote on the item.

As a result of the advice received Councillors Toby Simon and Bambos Charalambous declared an "other pecuniary" interest in Motion 11.1, as residents living within a Controlled Parking Zone.

No other declarations of interest were made by members in relation to other items on the agenda.

59 CHANGE IN ORDER OF BUSINESS

Councillor Yasemin Brett moved and Councillor Ann Marie Pearce seconded a proposal to change the order of business on the agenda under paragraph

2.2 (page 4-5) of the Council's procedure rules to enable the meeting to take the following as the next items of business:

- Item 11.2: Motion in the name of Councillor Taylor on the opposition of the Council to the consequences of the Barnet, Enfield and Haringey Clinical Strategy and its impact upon Chase Farm Hospital and the residents of Enfield.

The change in order of the agenda was agreed without a vote.

Please note the minutes reflect the order in which the item was dealt with at the meeting.

60 MOTIONS

- 1.1 Councillor Taylor moved and Councillor Ann Marie Pearce seconded the following motion:

"The Council reaffirms its general opposition to the consequences of the Barnet Enfield and Haringey (BEH) Clinical Strategy and its impact upon Chase Farm Hospital and the residents of Enfield.

The Council also reaffirms its opposition to the decision of the Secretary of State for Health to ignore the views of the residents of Enfield and to continue to support the decision to remove Accident and Emergency and Maternity services at Chase Farm Hospital, and particularly without the planned and necessary primary care improvements being made which were a precondition agreed by his predecessor.

The Council supports the commencement of legal proceedings to challenge this decision as advised by leading Counsel and agrees that action should be pursued expeditiously in light of criticism during previous proceedings in 2008."

Having been moved and seconded the motion was then put to the vote and unanimously agreed, with no abstentions.

61 SCRUTINY ANNUAL WORK PROGRAMME 2013/14

Councillor Toby Simon moved and Councillor Michael Rye seconded the report from the Overview and Scrutiny Committee (No: 58) setting out the annual programme for the Council's Scrutiny Panels and Overview and Scrutiny Committee.

NOTED

1. The report had been considered and approved for recommendation on to Council by Cabinet on 18 September 2013.

2. The thanks expressed by Councillor Simon, as Chair of Overview and Scrutiny Committee, for the work undertaken by all scrutiny members in support of the scrutiny function and for the bipartisan approach towards scrutiny, which it was felt represented a good example of members working effectively together.
3. The work programme would be kept under review and changes made as required throughout the year.
4. The opportunities provided through the scrutiny system for members to examine areas of interest and make a difference through a wide range of detailed and overarching reviews.
5. The thanks expressed on behalf of the other Scrutiny Chairs to members on their respective Panels as well as officers for their support and efforts in delivering the work programme and in terms of providing good opportunities for public engagement.

AGREED that Council formally adopt the annual Scrutiny Work Programme 2013/14, as detailed in Appendix 1 to the report.

62

REFERENCES FROM THE MEMBERS & DEMOCRATIC SERVICES GROUP - AMENDMENTS TO CONSTITUTION: EXECUTIVE MEETING REGULATIONS & LOCAL AUTHORITIES (FUNCTIONS & RESPONSIBILITIES) ORDER 2000

Councillor Simon moved and Councillor Georgiou seconded a report from the Director of Finance, Resources & Customer Services (No.106) seeking approval of amendments to the Constitution relating to changes introduced as a result of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012 in the following areas.

- Executive meetings, publication of documents and access to them by the public, councillors and scrutiny members; and
- The introduction of a policy relating to the filming and recording of public Council, Cabinet, Scrutiny, other Committee & Forum meetings

In addition Council was also asked to consider an additional amendment to the Constitution relating to the way in which future decisions on the establishment of companies, trusts and acquisition of share capital by the Council were taken, under the Local Authorities (Functions & responsibilities) Order 2000.

NOTED

1. The changes arising from the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, as detailed in sections 3.1 and 3.2 of the report, had been considered and approved for recommendation on to Council by the Members & Democratic Services Group (3 September 2013).
2. The recommended changes had been designed not only to comply with the requirements of the Executive Meeting Regulations but also to reflect

- good practice in operation of the procedures and assist the Council in managing its business in as efficient and effective a way as possible.
3. The Policy in relation to filming of meetings had been designed to take account of guidance issued by the Department of Communities & Local Government, and whilst allowing filming to be undertaken would require this to be subject to advance notice and to be undertaken in a way that would not disrupt the conduct of any meeting.
 4. The recommendation in relation to the decision making process for the establishment of companies (as detailed within section 3.3 of the report) had not been subject to formal consideration by the Members & Democratic Services Group. John Austin (Assistant Director Corporate Governance) advised members that this had arisen as a result of external legal advice, originally provided in relation to an unrelated matter. The legal opinion provided was that under the terms of the Local Authorities (Functions & Responsibilities) Order 2000 this was a matter that should be treated as a power of the Executive rather than full Council.
 5. The concern expressed by the Opposition Group, in relation to 4. above, at the limited consultation with members on the proposal in advance of the meeting, with further detail requested on the legal advice and any potential decisions planned that the recommended change would impact upon. As a result, it was agreed that the recommended change should be withdrawn from consideration at the meeting and referred for more detailed consideration by the Members & Democratic Services Group in advance of any final decision being made.

AGREED

- (1) To approve the amended Access to Information Rules (Chapter 4.6 in the Constitution) and the Citizens Rights section (Chapter 2.3 in the Constitution) attached as Appendix 1 Appendix 2 of the report, as detailed in section 3.1 of the report.
- (2) To approve the adoption of the policy in relation to the filming of any Council, Cabinet, Scrutiny, Area Forum or other Committee meetings as detailed in section 3.2.4 of the report.
- (3) To refer the recommended change in relation to the decision making process on the establishment of companies or trusts to the Members & Democratic Services Group for more detailed consideration, in advance of any final decision being made by Council.

63

REFERENCE FROM MEMBERS & DEMOCRATIC SERVICES GROUP - AMENDMENT TO CONSTITUTION: REVIEW OF SCRUTINY TERMS OF REFERENCE

Councillor Simon moved and Councillor Cazimoglu seconded the report (Report No: 69A) from the Director of Finance, Resources and Customer

Services seeking approval of amendments to the Scrutiny Section within the Constitution resulting from:

- Changes introduced under the Health & Social Care Act 2012 & Local Authority (Public Health, Health & Wellbeing Boards and Health Scrutiny) Regulations 2013.
- A general review of the Scrutiny Terms of Reference.

NOTED

1. The revised copy of Appendix B to the report tabled at the meeting, which incorporated a number of additional drafting changes. The recommended changes included alterations to the terms of reference of the Health and Wellbeing Scrutiny Panel to reflect the changes in the National Health Service, alterations to the list of organisations that would be subject to scrutiny and the inclusion of greater flexibility in terms of the process for referring matters related to any “substantial service change” to the Secretary of State for Health.
2. That the recommended changes had been considered and approved for reference on to Council by the Members & Democratic Services Group (3 September 2013).

AGREED

- (1) Council continues to discharge its powers of scrutiny on such matters designated within the Health and Social Care Act 2012 through the Health and Wellbeing Scrutiny Panel (as set out in section 4 to the report).
- (2) The revised terms of reference for the Health and Wellbeing Scrutiny Panel and other constitutional changes within the Scrutiny Procedure Rules as set out in Appendix B (as amended) of the report.

64

COUNCILLORS' QUESTION TIME (TIME ALLOWED - 30 MINUTES)

1.1 Urgent Questions

None received.

1.2 Questions by Councillors

NOTED

1. The thirty nine questions on the Council's agenda which had received a written reply from the relevant Cabinet Member.
2. The following supplementary questions and responses received for the questions indicated below:

Question 1 (UK Commissioners Office Code of Practice) from Councillor Lavender to Councillor Stafford, Cabinet Member for Finance and Property

What were the reasons for the delay in supplying a full unredacted copy of the Information Commissioner's Office (ICO) Report (dated 25 July 2013) to the Opposition Group in relation to the investigation into the discovery of sensitive personal data at Southgate Town Hall?

Reply from Councillor Stafford

"The conclusions from the ICO investigation have been detailed within the written response provided on the agenda. This included the fact that it was not possible for the Council, Independent Auditors or ICO to conclude exactly what happened and that the ICO had not felt it appropriate to take any formal regulatory action."

Councillor Stafford advised that a supplementary written response would need to be provided in relation to the timing of the release of the full report to the Leader of the Opposition, which would be provided after the meeting.

Question 2 (Brimsdown Sports Ground) from Councillor Simon to Councillor Bond, Cabinet Member for Environment

Does Councillor Bond agree that (a) it is unacceptable for the Council to be left with the problem of addressing the mess resulting from the works affecting the sports field undertaken by the tenant without prior consent of the Council or Planning permission having been obtained; and (b) the work undertaken by officers to resolve the problems and address the significant impact on local residents so quickly should be commended.

Response from Councillor Bond

"Yes. I would agree with all these statements."

Question 3 (Staff sickness absence) from Councillor Neville to Councillor Stafford, Cabinet Member for Finance & Property

Does the Cabinet Member agree that the written response he has provided reveals a shocking state of affairs and can he provide me with details, in financial terms, about how much sickness absence has cost the Council in the years 2010/11, 2011/12, 2012/13?

Response from Councillor Stafford

"There is a need to recognise that the level of sickness absence across the Council has reduced over the last 3 years and the Council continues to work closely with the Trade Unions in managing sickness absence."

Councillor Stafford advised that a supplementary written response would need to be provided after the meeting in relation to the additional information requested on costs.

Question 4 (Mini Holland Cycling Project) from Councillor Sitkin to Councillor Taylor, Leader of the Council

Can the Leader update Council on the outcome of the recent meeting with Andrew Gilligan, Cycling Commissioner at the Greater London Assembly?

Response from Councillor Taylor

“The deadline for submission of bids has now been extended by an additional 2 week period. I would like to thank Councillor Lavender for co-signing the bid and Councillors Laban and Bond for serving as part of the bid delegation when meeting Andrew Gilligan.

This bid represents a significant opportunity for the borough to attract additional funding worth between £25 – 30m with the potential to provide a wide range of benefits in terms of cycling facilities across the borough. Whilst the bid has involved a technical process, the Council is also keen to use the opportunity to encourage more people to take up cycling by making it safer and easier in terms of the facilities available.

Andrew Gilligan was impressed with the cross party approach of Enfield’s bid, and I hope this support can be continued as it will to assist our chance of success.”

Question 5 (Employment of Agency Staff) from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property.

How much has the Council spent on the employment of agency staff (in terms of agency costs) from 2010/11 to date when compared to the costs incurred if they had been employed direct?

Response from Councillor Stafford

“The Council is committed to employing full time staff where possible. The costs of agency staff have gone down year on year, with the increase identified in 2012/13 due to a cost coding re-designation in Environment. This reduction had been achieved against significant progress having been made on the delivery of a number of key projects such as the Ladderswood, Meridian Water and Alma Estate developments.”

Councillor Stafford advised that a supplementary written response would need to be provided after the meeting in relation to the additional comparator information requested on the employment of agency staff.

Question 7 (Employment of Agency Staff) from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property.

In the light of changes to the law on the employment rights and benefits of agency workers, what are the policy reasons for continuing to employ agency staff?

Response from Councillor Stafford

“Agency workers are used when flexibility is required. However, the Council is committed to working with the trade unions to preserve full time jobs and create as few redundancies as possible. With this in mind we will only engage agency workers where there is a short term or time limited need or there is no internal capacity within the Council.”

Question 8 (Council Tax Collection) from Councillor Lemonides to Councillor Stafford, Cabinet Member for Finance and Property

Can Councillor Stafford remind Council about the outcome of the prestigious Institute of Revenues, Rating and Valuation Award for which Enfield had been shortlisted.?

Response from Councillor Stafford

“I am happy to confirm that Enfield won the award with one of the best arrears collection rates in the country.”

Question 11 (London Borough of Barnet, High Court Judgement – Resident Parking Permit Charges) from Councillor Neville to Councillor Stafford, Cabinet Member for Finance and Property.

Whilst the subject of this question is also subject to a motion my original question asked if the Cabinet Member was aware of the High Court judgement relating to parking charges in Barnet. The written response provided makes reference to the permitted use of any surplus. What is clear from the judgement is that it is unlawful to increase parking charges in order to produce a higher surplus for use on other purposes including concessionary fares e.g. Freedom Pass. Can Councillor Stafford confirm for what purpose the surplus generated as a result of the increase in parking charges in Enfield during 2009/10 and 2010/11 were intended?

Response from Councillor Stafford:

“The Council has not acted and will not do anything to act illegally and I will consider taking action if it is claimed that I have acted in any such a way. This compares, however, to the previous publication of a Conservative local ward newsletter in Bush Hill Park stating that the Administration were planning to close libraries, which was also a lie as the Administration has actually opened and not closed libraries.”

Following this response, Councillor Hurer asked the Mayor to request that Councillor Stafford withdraw his remark about lying, on the basis that it contravened procedural rule 19.1 “no member shall impute unworthy motive to, or use offensive or unbecoming words about another Member”. The Mayor asked Councillor Stafford if he would consider withdrawing this remark, which he refused to do. As a result, the Mayor ruled that the meeting should proceed to the next question.

Question 13 (London Borough of Barnet, High Court Judgement – Resident Parking Permit Charges) Councillor Neville to Councillor Stafford, Cabinet Member for Finance & Property

Given that Councillor Stafford acknowledges the High Court judgement in relation to parking charges, can he explain why he made the statement to the Winchmore Hill Area Forum in December 2010 as detailed within the minute of that meeting and why section 7 of the report to Cabinet on 14 July 2010 approving the increase in parking charges within Enfield includes as one of the reasons for the recommendation the need to make a contribution to the increased costs of the Freedom Pass.

Response from Councillor Stafford

“I recall that the context in which I was speaking at the Area Forum related to the impact of increased parking charges in terms of demand on the High Street. I do not recall saying anything at the Area Forum in relation to the raising of revenue and if that is how it was recorded I feel I was misquoted. Section 7 of the report to Cabinet in July 2010 confirmed the legal position regarding the permitted use of surpluses generated on the Parking Places Reserve Account and it was on this basis that the Cabinet decision was made.”

Question 14 (Barnet Residential Parking Permit Scheme - Legal Challenge) Councillor Sitkin to Councillor Bond, Cabinet Member for Environment

Can you explain why the reasons for Barnet’s failure to defend the legal challenge on residential parking charges will not apply in Enfield?

Response from Councillor Bond

“As stated in my written response the failure in relation to the Barnet decision related to the basis of the charge rather than the permit system itself. I can also confirm that a number of the decisions delegated to me by Cabinet in July 2010 were not progressed.”

At this stage the 30 minute time period permitted for supplementary questions ended.

65

MOTIONS

1. Councillor Neville moved and Councillor Laban seconded the following motion:

"This Council notes the recent decision of the High Court in the case of Attfield v L B of Barnet, which ruled that increases in charges for residents permits by Barnet Council in 2011 were unlawful because Barnet's primary reason for imposing the increase was to raise additional income for highway maintenance and to contribute to the cost of concessionary fares.

This Council further notes that the report of the Director of Environment to Cabinet on 14 June 2010 proposed increases to residents parking permit charges and on street parking charges which the Cabinet approved. The June 2010 report which the Cabinet accepted, made plain the reason(s) for the proposed increases which were identical to those in the Barnet case, and must therefore be regarded as unlawful, which were repeated by Cllr Stafford, Cabinet Member for Finance, at a public meeting which was properly minuted by Democratic Services.

The Council notes that Barnet have as a result of the High Court ruling, decided to refund not just the claimant, Mr Attfield as they were ordered, but also to refund all residents who had paid the increased charges since their introduction. In the light of this the Council instructs the Director - Environment to make immediate arrangements for similar refunds to all affected Enfield residents."

As a result of comments relating to the potential for legal action against the Council made during the motion being moved by Councillor Neville, Councillors Bond & Taylor reported that they had been advised it would be inappropriate (in terms of defending the interests of the Council) to engage in any further debate on the motion unless an assurance was provided that no legal action was planned against the Council on this issue.

As no assurance was provided the motion was put to the vote without any further debate and not approved, with the following result:

For: 19

Against: 29

Abstentions: 0

2. Councillor Charalambous moved and Councillor Sitkin seconded the following motion:

"This Council notes that Enfield residents will be better off under a One Nation Labour Government rather than with the divisive policies being put forward by the other parties."

Following a debate the motion was put to the vote and agreed with the following result:

For: 30

Against: 20

Abstentions: 0

3. Councillor Sitkin moved and Councillor R. Hayward seconded the following motion:

“Enfield Council's 2020 Action Plan seeks a 40% reduction in the borough's CO2 emissions by 2020 vs. a 2005 baseline, reflecting our conviction that it is a public responsibility to help incentivise eco-investment. In Enfield, this approach is contributing to the creation of new career opportunities in the construction and manufacturing sectors; our workforce is being equipped with useful, high value skills; even as we are doing what we can to fight global warming.

This Council invites representatives from the Department of Energy & Climate Change (DECC), Department of Environment, Food & Rural Affairs (DEFRA) and Department for Business, Innovation & Skills (BIS) to Enfield in the hope that they may benefit from the work we are doing in this area and use it to inform policy.”

Following a debate the motion was put to the vote and agreed with the following result:

For: 32

Against: 0

Abstentions: 19

66

MEMBERSHIPS

AGREED to confirm the following changes to committee memberships:

(1) Older People and Vulnerable Adults Scrutiny Panel

Councillor R. Hayward to fill the current vacancy.

(2) Green Belt Forum

Councillor Brett to replace Councillor During.

(3) Housing Growth and Regeneration Scrutiny Panel

Councillor Bearryman to replace Councillor Lemonides.

(4) Licensing Committee

Councillor Lamprecht to be replaced by a vacancy.

67

NOMINATIONS TO OUTSIDE BODIES

AGREED to confirm the following changes to outside bodies:

Newlon Housing Association - Councillor McGowan to replace Councillor Bearryman.

68

CALLED IN DECISIONS

None received.

69

DATE OF NEXT MEETING

NOTED that the next meeting of the Council would be held at 7.00pm on Wednesday 27 November 2013 at the Civic Centre.